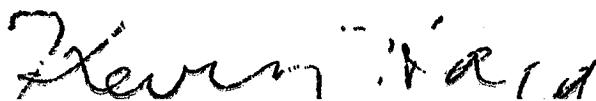**UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF CALIFORNIA**
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
BERTHA TOWNSEND AND HERMAN TOWNSEND,

DEFENDANTS
MERCK & COMPANY, INC., a corporation; MCKESSON CORPORATION, a corporation; AMERISOURCEBERGEN CORPORATION, a corporation; PFIZER INC.; PHARMACIA CORPORATION; G. D. SEARLE LLC, et. al

(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):
Modoc

County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)
Theodore J. Holt, Esq.
Alissa S. Holt, Esq.
Hackard & Holt
11335 Gold Express Drive, Suite 105
Gold River, CA 95670 Telephone   (916) 853-3000

Attorneys (If Known)

Steven J. Boranian (CSBN 174183)
Kevin M. Hara (CSBN 221604)
REED SMITH LLP
Two Embarcadero Center, Suite 2000
San Francisco, CA 94111 Telephone: (415) 543-8700

II. BASIS OF JURISDICTION (Place an X in one box only.)

☐ 1 U.S. Government Plaintiff

☐ 3 Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant

☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated or Principal Place of Business in this State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☒ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. ORIGIN (Place an X in one box only.)

☐ 1 Original Proceeding   ☒ 2 Removed from State Court   ☐ 3 Remanded from Appellate Court   ☐ 4 Reinstated or Reopened   ☐ 5 Transferred from another district (specify):   ☐ 6 Multi-District Litigation   ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes   ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No   ☐ **MONEY DEMANDED IN COMPLAINT:** $_____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

This is a civil action between diverse parties and is removable under 28 U.S.C. Section 1332, 1441 (b).

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
☐ 400 State Reapportionment	☐ 110 Insurance	☐ 310 Airplane	☐ 370 Other Fraud	☐ 510 Motions to Vacate Sentence Habeas Corpus	☐ 710 Fair Labor Standards Act
☐ 410 Antitrust	☐ 120 Marine	☐ 315 Airplane Product Liability	☐ 371 Truth in Lending		☐ 720 Labor/Mgmt. Relations
☐ 430 Banks and Banking	☐ 130 Miller Act		☐ 380 Other Personal Property Damage	☐ 530 General	☐ 730 Labor/Mgmt. Reporting & Disclosure Act
☐ 450 Commerce/ICC Rates/etc.	☐ 140 Negotiable Instrument	☐ 320 Assault, Libel & Slander	☐ 385 Property Damage Product Liability	☐ 535 Death Penalty	
☐ 460 Deportation	☐ 150 Recovery of Overpayment & Enforcement of Judgment	☐ 330 Fed. Employers' Liability		☐ 540 Mandamus/ Other	☐ 740 Railway Labor Act
☐ 470 Racketeer Influenced and Corrupt Organizations		☐ 340 Marine	BANKRUPTCY	☐ 550 Civil Rights	☐ 790 Other Labor Litigation
☐ 480 Consumer Credit	☐ 151 Medicare Act	☐ 345 Marine Product Liability	☐ 422 Appeal 28 USC 158	☐ 555 Prison Condition	☐ 791 Empl. Ret. Inc. Security Act
☐ 490 Cable/Sat TV	☐ 152 Recovery of Defaulted Student Loan (Excl. Veterans)	☐ 350 Motor Vehicle	☐ 423 Withdrawal 28 USC 157	FORFEITURE / PENALTY	
☐ 810 Selective Service		☐ 355 Motor Vehicle Product Liability	CIVIL RIGHTS	☐ 610 Agriculture	PROPERTY RIGHTS
☐ 850 Securities/Commodities /Exchange	☐ 153 Recovery of Overpayment of Veteran's Benefits	☐ 360 Other Personal Injury	☐ 441 Voting	☐ 620 Other Food & Drug	☐ 820 Copyrights
☐ 875 Customer Challenge 12 USC 3410	☐ 160 Stockholders' Suits	☐ 362 Personal Injury- Med Malpractice	☐ 442 Employment	☐ 625 Drug Related Seizure of Property 21 USC 881	☐ 830 Patent
☐ 891 Agricultural Act	☐ 190 Other Contract		☐ 443 Housing/Acco- mmodations		☐ 840 Trademark
☐ 892 Economic Stabilization Act	☐ 195 Contract Product Liability	☒ 365 Personal Injury- Product Liability	☐ 444 Welfare		SOCIAL SECURITY
					☐ 861 HIA (1395ff)
☐ 893 Environmental Matters	☐ 196 Franchise	☐ 368 Asbestos Personal Injury Product Liability	☐ 445 American with Disabilities - Employment	☐ 630 Liquor Laws	☐ 862 Black Lung (923)
☐ 894 Energy Allocation Act	REAL PROPERTY			☐ 640 R.R. & Truck	☐ 863 DIWC/DIWW (405(g))
☐ 895 Freedom of Info. Act	☐ 210 Land Condemnation		☐ 446 American with Disabilities - Other	☐ 650 Airline Regs	☐ 864 SSID Title XVI
☐ 900 Appeal of Fee Determi- nation Under Equal Access to Justice	☐ 220 Foreclosure			☐ 660 Occupational Safety /Health	☐ 865 RSI (405(g))
	☐ 230 Rent Lease & Ejectment			☐ 690 Other	FEDERAL TAX SUITS
	☐ 240 Torts to Land		☐ 440 Other Civil Rights		☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 950 Constitutionality of State Statutes	☐ 245 Tort Product Liability				☐ 871 IRS-Third Party 26 USC 7609
☐ 890 Other Statutory Actions	☐ 290 All Other Real Property				

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: _____

Kevin Hara   11/8/06